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MAY 23 2006

In re Application of
LEE et al

Application No.: 09/823,793

Filing Date: March 30, 2001

Docket No.: 2100.004900

For: FOVEATION-BASED ERROR
RESILIENCE ALGORITHM

DECISION

OFFICE OF PETITIONS

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the "Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(B)" filed on November 14, 2005.

The petition under 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No additional petition fee is necessary.

The above-identified application became abandoned for failure to file a timely and proper reply to the Final Office Action mailed March 2, 2005. The Final Office Action set a shortened period of reply of three (3) months with extensions of time obtainable under §1.136(a).

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed.
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Applicants have not furnished the required reply. The proper reply to a Final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application. The examiner has determined that the amendment filed on November 14, 2005, does not place the case in *prima facie* condition for allowance. The Examiner's Advisory Action is enclosed. Petitioners must submit a proper reply to the Final Office action mailed on March 2, 2005, with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

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Atch: Advisory Action Before the Filing of an Appeal Brief